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July 28, 2014

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**VIA ELECTRONIC FILING**

Hon. Jesse M. Furman  
United States District Court  
Southern District of New York  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

RE: *In Re: General Motors LLC Ignition Switch Litigation*  
14-MD-2543 (JMF)

Your Honor:

I hereby respectfully apply to serve plaintiffs in this litigation through appointment to the Lead Counsel Committee as a Co-Lead Counsel. I have represented individual plaintiffs and plaintiff classes in financial, consumer, employment, civil rights/human rights, and tort cases since my admission to the Bar in 1978. My detailed resume is available at <http://www.lieffcabraser.com/Attorneys/Elizabeth-J-Cabraser.shtml>.

**Knowledge and Experience in Prosecuting Complex Litigation, Including MDLs and Class Actions**

My federal MDL and complex litigation leadership appointments include: *In re Cable/Tel. Corp. and Entities Securities Litigation*, MDL No. 619 (E.D. Pa.), Co-Lead Counsel; *In re United Energy Corporation Solar Energy Module Securities Litigation*, MDL No. 726 (C.D. Cal.), Lead Class Counsel; *In re FPI/Agretech Securities Litigation*, MDL No. 763 (D. Hawai`i), Co-Lead/Class Counsel; *In re ACC/Lincoln Savings Securities Litigation*, MDL No. 834 (D. Ariz.), Class Counsel; *In re First American Center Partnerships Securities Litigation*, MDL No. 868 (S.D.N.Y.), Lead Counsel; *In re Precious Metals Securities Litigation*, MDL No. 904 (C.D. Cal.), Lead Counsel; *In re Cordis Pacemaker Product Liability Litigation*, MDL No. 850 (S.D. Ohio), Co-Lead Counsel; *In re Silicone Gel Breast Implants Products Liability Litigation*, MDL No. 926 (N.D. Ala.), Class Counsel; Official Tort Claimants Committee, Dow Corning Bankruptcy Proceedings; *In re Holocaust Victims Assets Litigation*, (S.D.N.Y.) Executive Committee; *In re the Exxon Valdez* (D. Alaska), Class Counsel; *In re Sears Automotive Center Consumer Litigation*, Civ. No. C-92-2341-RHS (N.D. Cal.), Co-Lead Counsel; *In re General Motors Corporation Pickup Truck Fuel Tank Products Liability Litigation*, MDL No. 961 (E.D. Pa.), Co-Lead Counsel; *In re Felbatol Products Liability Litigation*, MDL No. 1048 (N.D. Cal.), Lead/Class Counsel; *In re Teletronics Pacing Systems, Inc. Accufix Atrial "J" Leads Products Liability Litigation*, MDL No. 1057 (S.D. Ohio), Executive Committee; *In re Ford Ignition Products Liability Litigation*, MDL No. 1112 (D.N.J.), Plaintiffs' Executive Committee; *Hanlon v. Chrysler Corp.*, 150 F.3d (9th Cir. 1998) (class settlement approved),

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Lead Class Counsel; *In re Diet Drugs Products Liability Litigation*, MDL No. 1203 (E.D. Pa.), Plaintiffs' Management Committee; *In re American Family Publishers Business Practices Litigation*, MDL No. 1235 (D.N.J.), Lead Counsel; *In re Provident Financial Corp. Credit Card Terms Litigation*, MDL No. 1301 (E.D. Pa.), Co-Lead Counsel; *In re Bridgestone/Firestone Tires Products Liability Litigation*, MDL No. 1371 (S.D. Ind.), Executive Committee/Class Counsel; *In re Tri-State Crematory Litigation*, MDL No. 1467 (N.D. Ga.), Lead Class Counsel; *In re W.R. Grace & Co.*, (Chapter 11) No. 01-01139 (JKF) (D. Del.) Class Counsel/Creditor's Committee; *In re Bextra/Celebrex Products Liability Litigation*, MDL No. 1699 (N.D.Ca.), Liaison Counsel; *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D.La.), Plaintiffs' Steering Committee; *In re Guidant Defibrillators Products Liability Litigation*, MDL No. 1708 (D. Minn.), Co-Lead Counsel; *In re ConAgra Peanut Butter Products Liability Litigation*, MDL No. 1845 (N.D.Ga.), Lead Counsel; *In re Yamaha Motor Corp. Rhino ATV Products Liability Litigation*, MDL No. 2016 (W.D. Ky.), Lead Counsel; *In re Chase Bank USA "CheckLoan" Contract Litigation*, MDL No. 2032 (N.D. Ca.), Liaison Counsel/Executive Committee; *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2151 (C.D. Ca.), Co-Lead Counsel for Personal Injury/Wrongful Death Claims; *In re Oil Spill By the Oil Rig "Deepwater Horizon" In the Gulf of Mexico, on April 20, 2010*, MDL No. 2179 (E.D. LA.), Plaintiffs' Steering Committee/Class Counsel; *In re Google Inc. Street View Electronic Communications Litigation*, MDL 2184 (N.D. Cal.), Liaison Counsel/Executive Committee; and *In re Bank of New York Mellon Corp. Foreign Exchange Transactions Litigation*, MDL 2335 (S.D.N.Y.), Liaison Counsel/Executive Committee.

My substantive role in these cases typically involves briefing, legal analysis, strategy, and oral argument at the trial and appellate levels. I am frequently called upon to tackle choice-of-law, class certification, expert qualification, summary judgment, trial plans, trial structuring and conduct, and settlement negotiation and approval. Several cases, including *FPI/Agretech*, *Silicone Gel Breast Implants*, and *American Family Publishers*, included coordination of MDL and bankruptcy proceedings and resolutions ultimately approved in both courts.

I served as a contributor to the *Manual for Complex Litigation, Fourth*, and other MDL-related publications. Among other recognition, I have been honored to receive the Trial Lawyers for Public Justice Achievement Award for my work as class counsel coordinating and resolving the federal/state *Polybutylene Pipe Litigation* (over \$1 billion to repair/replace defective pipes in households across the country); the Consumer Attorneys of California's 1998 Presidential Award of Merit and its 2008 Edward J. Pollock Award for my commitment to consumer protection; and the 2002 Anti-Defamation League's Distinguished Jurisprudence Award for my work in the federal *Holocaust Litigation*, with settlements for international classes of holocaust survivors totaling over \$6.8 billion.

### **Willingness and Ability to Commit to a Time-Consuming Process**

My experience in MDL leadership roles has given me an appreciation of the magnitude of commitment of time, energy, and resources necessary for effective leadership in such cases. I have carefully reflected, and confirm that my other current responsibilities allow me to make that commitment here. I currently serve on the PSC and as Class Counsel in the *Deepwater Horizon* litigation, in which I participated in the negotiation, documentation, approval, and defense on appeal of the BP Economic and Medical settlements. These are currently in the

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administration phase. I also serve as one of the Co-Leads in the *Toyota* litigation. That litigation, too, is in the settlement phase: the wrongful death/personal injury cases that are my specific charge have largely settled. The remainder are scheduled for negotiation and mediation as part of a national intensive settlement process. I serve as Plaintiffs' Liaison in the *Bank of New York Mellon* MDL, here in the Southern District of New York. My non-litigation commitments include teaching once a week at Columbia Law School this fall, with a similar schedule at Berkeley Law in the spring. Service in other capacities, such as on the Advisory Committee on Rules of Civil Procedure, as a Trustee of the National Judicial College, and on the Boards of the National Center for State Courts and the Center on Civil Justice at NYU, would not interfere with my ability and willingness to commit to the service of all plaintiffs through leadership in this MDL.

### **Willingness and Ability to Work Cooperatively with Others**

The effective prosecution of complex litigation depends, above all, upon collaboration by dedicated colleagues. In a strong, diverse, and committed leadership structure, the whole is truly greater than the sum of its parts. My commitment to working cooperatively and to advancing a united approach in this litigation is exemplified by my efforts to move beyond competing factions to forge a common approach to the GM bankruptcy proceeding, culminating in collective representation of most plaintiffs' positions by the three firms designated by Judge Gerber. This Court's request for a leadership structure proposal also provided the opportunity to develop broad agreement on that structure among firms from around the country. Earlier, I brought together classes of consumers from 35 states, represented by multiple counsel, in the *Esperanza Ramirez, et al v. General Motors* class complaint, and coordinated a working group of lawyers in *Ramirez* and a dozen other cases filed around the country, with proposed class representatives from 46 states. I am a proponent of the strong and streamlined co-lead/executive committee leadership model this Court has approved, and would be deeply honored to join it.

### **Access to Resources to Prosecute the Litigation in a Timely Manner**

None of the work described in this application was done alone. Lief Cabraser is a 65-plus lawyer AV-rated firm, founded in San Francisco. We opened our New York office in 1997, and our Nashville office in 2003. *U.S. News and World Report* and *Best Lawyers* have recognized Lief Cabraser as one of the best law firms in the nation with 23 "Best Lawyers" firmwide, including the undersigned and others working on this matter, and as 2014 "Law Firm of the Year" in the category of Mass Tort Litigation/Class Actions—Plaintiffs. The National Law Journal has repeatedly selected Lief Cabraser to its annual "Plaintiff's Hot List" of the top plaintiffs law firms in the nation based on the editors' examination of verdicts and settlements. In 2014, the NLJ included Lief Cabraser in its Midsize Hotlist. Lief Cabraser has received Benchmark Plaintiff Guide's highest ranking, "Highly Recommended", in the practice areas of antitrust, employment/labor, and mass tort/product liability, nationwide, as well as in the New York and California state listings.

As one of the nation's largest firms dedicated solely to plaintiffs' cases, Lief Cabraser possesses the depth of both human and financial resources necessary to prosecute this litigation on a contingent basis. We have repeatedly contributed substantial sums in up-front assessments

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to fund the work of MDLs. In the *Toyota* litigation, the Co-Lead Counsel firms each expended well over \$5 million to fund the litigation before settlements were reached. The *Deepwater Horizon* MDL required similarly substantial financial and time commitments. We make such commitments with an experienced understanding of the risks and uncertainties of such litigation; similarly, we are familiar with the staffing needs of large MDLs, and are able to deploy lawyers, paralegals, and other professionals necessary to discovery, management, and administration of such cases. In this case, New York partners (Rachel Geman and Jonathan Selbin), associates (Sudarsana Srinivasan), and support staff will be working with me on the class claims. San Francisco partner Todd Walburg is working with me supervising our attorney/paralegal team on the death/injury claims.

**Work Done in Identifying, Investigating, and Prosecuting Potential Claims in this Action**

Lieff Cabraser filed one of the first consumer class actions in this litigation, the above-referenced *Ramirez* case. *Ramirez* asserts claims on behalf of a nationwide class (under Civil RICO and Michigan consumer law) and statewide classes for thirty-six states (under their respective consumer protection and warranty laws). It seeks judicial supervision of New GM to ensure the expeditious and complete recall and repair of all the recalled vehicles, and the assessment and allocation of statutory damages and penalties sufficient to effectuate the deterrent purposes of the laws Defendants' conduct is alleged to have violated, together with appropriate compensation for consumers. I coordinated the research, development, and drafting of *Ramirez*, and later complaints to include additional states and subsequent recalls. I have been active in coordinating efforts and sharing information and research with plaintiffs' counsel across the country, in connection with briefing and argument before the Judicial Panel on Multidistrict Litigation, and through service as a temporary Co-Lead in the opening stages of this MDL itself. We have investigated GM's serial recalls, the ignition system defects, and the circumstances surrounding dozens of crashes of recalled vehicles causing death and injury. Lieff Cabraser serves as co-counsel with the Lanier Firm in *Tiffany Adams v. GM*, a component of the currently-in-information Texas state MDL, and represents over 130 additional wrongful death/personal injury clients.

Working with other firms that also represent death/injury clients, we were also involved in discussions with Mr. Kenneth Feinberg leading to the recent announcement of GM's resolution protocol. We will continue to urge the refinement and expansion of that protocol as a path toward resolution for many GM crash victims. Our research and investigation on both the consumer/economic loss and wrongful death/personal injury/crash victim sides of this litigation equips us to recognize, to protect, and to promote the complementary interests of economic loss consumer class members and crash victims, all of whom share a common interest in just compensation and swift completion of the GM recalls.

**Knowledge of the Applicable Law**

As noted above, I have practiced in the consumer class action area for many decades, and have been a longtime student of class action procedural law (both federal and state) and the states' consumer protection statutes. I successfully briefed and argued auto-related class certification motions, for litigation and settlement purposes, in the *Bridgestone/Firestone*, *Ford*

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*Explorer*, *GM Pickups*, *Sears Auto Center*, and *Hanlon v. Chrysler* litigations. My work negotiating and implementing class resolutions that provide repair/replacement of defective parts and products under court supervision include the above referenced *Polybutylene Pipe* litigation; *Hanlon v. Chrysler* (replacement of defective minivan rear lift gate latches); and *Bridgestone/Firestone* cases (replacement of defective radial tires); and *Naef v. Masonite* (nationwide class settlement for replacement of \$1.2 billion in defective exterior siding after favorable Phase I trial verdict).

In serving in court-appointed leadership roles and MDLs throughout the country, I have dealt with the consumer laws of all states. I have served as counsel in federal (securities, civil RICO, and maritime) and state (consumer and product defect) class action trials in venues as diverse as New Orleans, Louisiana; Mobile, Alabama; Honolulu, Hawai'i; Rome, Georgia; and Anchorage, Alaska (*Exxon Valdez*), as well as California. This experience has given me an appreciation of both the similarities and distinctions among laws and practices of the various states, and of the importance of sensitivity to these in the context of an MDL that is nationwide in scope. I have taught class actions and consumer litigation as a Visiting Professor from Practice at Columbia Law School; now teach complex civil litigation, mass torts, and class actions as an adjunct at Columbia and Boalt Hall (Berkeley Law); and have lectured and written for the Federal Judicial Center and the National Center for State Courts. I am a member of the Council of the American Law Institute, and serve as an Advisor to its Aggregate Litigation and Restatement Third (Consumer Contracts) projects. I serve as Editor-in-Chief of California Class Actions Practice and Procedure, LexisNexis (updated annually), Executive Editor of the ABA Section of Litigation's annual Survey of State Class Action Law, and have authored numerous law review articles on class actions and complex litigation.

On the basis of the foregoing, I respectfully apply to serve as Co-Lead Counsel for plaintiffs. I am happy to provide further information at the Court's request.

Respectfully,



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